

CERTIFIED COPY
United States Court of Appeals
For the First Circuit

J. Doyle

No. 06-1188

ROBERT WHITE,

Petitioner - Appellant,

v.

U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS;
HONORABLE HENRY J. BOROFF, U.S. Bankruptcy Court Judge;
U.S. FEDERAL MARSHAL FOR THE DISTRICT OF MASSACHUSETTS;
LOCAL OR FEDERAL JAIL OR PRISON WHERE PETITIONER IS HELD,

Respondents - Appellees.

ORDER OF COURT

Entered: May 23, 2006
Pursuant to 1st Cir. R. 27(d)

This court has docketed petitioner-appellant Robert White's appeal from the Order of Dismissal that entered on December 29, 2005 and from the Amended Memorandum and Order that entered on January 6, 2006 in civil action no. 05-40104-FDS (D. Mass.) dismissing his Petition for Writ of Habeas Corpus. The case cannot go forward unless a certificate of appealability issues. See 28 U.S.C. §2253. A request for a certificate of appealability must first be sought in the district court. See Local Rule 22.1. On January 12, 2006 and again on January 20, 2006, petitioner-appellant filed a motion seeking a certificate of appealability in the district court.

Accordingly, we direct petitioner-appellant to file a status report in this court by **June 22, 2006**, and every *thirty days* thereafter, advising us of the status of the motion for a certificate of appealability. We further order petitioner-appellant to inform this court immediately once the district court reaches a decision on the motion for a certificate of appealability.

If a status report is not filed by **June 22, 2006** and at **thirty-day intervals** thereafter, this appeal may be dismissed for

want of diligent prosecution. See Loc. R. 3(b).

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By _____
Chief Deputy Clerk.

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I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By *[Signature]* Date: 5-23-06

[Cert. cc: Hon. F. Dennis Saylor and Sarah A. Thornton, Clerk,
U.S.D.C. of Massachusetts, cc: Messrs: White and Wilmot]